

Section 1. PERMIT REQUIRED TO SELL, PURCHASE, POSSESS OR USE CONSUMER FIREWORKS.

(A) It is unlawful for any person to engage in the retail sale of, or to sell, consumer fireworks or to hold, conduct, or engage in a consumer firework display of fireworks within the county without first having obtained a valid fireworks consumer operator permit issued pursuant to the provisions of this ordinance, Illinois Compiled Statutes, and the Illinois Office of the State Fire Marshal regulations. No retail sales to any resident of the State of Illinois, or any other person in any other state, shall be made without proof of a valid consumer fireworks permit or valid pyrotechnic permit issued to the purchaser.

Section 2. PERMIT FEES.

(A) The annual fee for a “seller’s permit” for the sale of consumer fireworks as may be authorized under this chapter shall be \$500 per year for each seller’s permit, payable in advance.

(B) “Consumer Fireworks Operator Permit” is \$10 which is collected at the time of annual training.

The fee includes all training and material.

Section 3. ISSUANCE; NON-TRANSFERABLE VOIDING.

(A) Sellers. Each seller’s permit issued under this chapter shall be for only one retail outlet. The number of seller’s permits shall not be limited as long as all conditions are met as stated in Section 4, each seller’s permit issued pursuant to this chapter shall be valid only for the current year, shall be used only by the designated permittee, and shall be non-transferable. No permit issued under this ordinance shall allow the sale, distribution, or transfer of fireworks as may be prohibited by the Illinois Compiled Statutes and the Rules and Regulations issued by the State of Illinois and State Fire Marshal. See Appendix “A” attached hereto and incorporated by reference.

(B) Display permit. Consumer display permits issued pursuant to this chapter shall be valid for the specific authorized display area only, shall be used only by the designated permittee, and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted in addition to all other sanctions provided in this chapter.

(C) Consumer fireworks operator permits.

(1) Consumer fireworks operator permits are not transferrable and must be in the possession of any person operating consumer fireworks as defined by the Office of State Fire Marshal.

(2) Consumer fireworks operator permits shall be issued to any qualified individual who has successfully completed an Illinois Office of the State Fire Marshal approved course that was provided by an Office of the State Fire Marshal trainer/instructor.

Section 4 APPLICATION FOR CONSUMER RETAILER/DISTRIBUTOR PERMIT;
CONDITIONS FOR ISSUANCE.

Applications for seller's permits shall be made to the County Board Office on a form designated by that office to conform to the requirements of this ordinance. Applications that fail to comply with such requirements will be rejected. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for, or to obtain a retail sales permit on behalf of any retailer other than themselves. Seller's permits for the sale of those fireworks allowed pursuant to this chapter shall be issued only to applicants meeting the following conditions:

- (A) The retailer or person in charge and responsible for the retail operation shall be 21 years of age or older, of good moral character, and of demonstrated responsibility;
- (B) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: \$1,000,000 for injuries to any one person in one accident or occurrence; \$2,000,000 for injuries to two or more persons in any one accident or occurrence; \$1,000,000 for damage to property in any one accident or occurrence; \$1,000,000 combined single limit for any one accident or occurrence. In addition, the county is to be an additional named insured and the policy shall provide for the immediate notification of the county by the insurer of any cancellation of any policy; and
- (C) Comply with all Illinois Compiled Statutes and the regulations of the Office of State Fire Marshal.

Section 5. STANDARDS FOR PERMANENT FIREWORKS STRUCTURES AND APPROVED
PORTABLE METAL STORAGE CONTAINERS.

(A) Permanent fireworks structures need to comply with all provisions of the applicable building and safety codes. The most common codes used are the Life Safety Code and State Fire Marshal Administrative Code Chapter I Part 105 Fireworks § 105.20 Storage and Wholesaling of Class "C" Common Fireworks and 425 ILCS 35, and the rules applicable at 41 Ill. Part 235. However, consult with the local fire district in which your structure is located, to ensure your structure is meeting the required codes of that fire district. Portable metal storage containers can also be used if approved by your fire district. If the structure or portable container is used for any other purpose than the sale of fireworks, then all fireworks must be removed from the structure or portable container during the period of time the structure or portable container is used for any other purpose than the sale of fireworks. Under no circumstances shall the sale of fireworks be allowed in the same permanent structure or portable container while operating or conducting any other type of business or service or while storing any other type of products.

(B) No permanent fireworks structure or portable container shall be located within 250 feet of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(C) Permanent fireworks structures must have at least two exits, which shall be unobstructed at all times. Portable containers will not allow customers inside the container, unless approved by the fire district in which you are doing business and shall have a sign visible to the public on each container stating: "Do Not Go Inside The Container". In this case you will need to

provide a way for your customer to view and handle your products without entering the inside of the portable container.

(D) Permanent fireworks structures or portable containers shall have, in a readily accessible place, at least two, two and one-half gallon pressurized water fire extinguishers which are in good working order.

(E) Combustible materials, not related to the fireworks operation, shall be cleared from the location of the permanent fireworks structure or portable container and the surrounding area at a distance of not less than 25 feet, measured from the exterior walls of the permanent fireworks structure or portable container.

(F) No smoking shall be permitted in or near a permanent fireworks structures or portable containers for a distance of not less than 50 feet measured from the exterior walls of the permanent fireworks structures or portable containers. Signs stating: "No Smoking Within 50 Feet" shall be posted, visible to the public at all entrances and exits of the permanent fireworks structure or portable container.

(G) Permanent fireworks structures or portable containers must have at least one person who is 18 years old or older in attendance at all times during normal hours of operation or while stocking inventory in the structure.

(H) No Permanent fireworks structure or portable container shall be located within 500 feet of any other fireworks structure or portable container, unless it is a part of the same retail/wholesale business operation.

(I) Permanent fireworks structures or portable containers shall have provisions for sufficient parking to avoid impeding a continuous flow of traffic at entrances and exits from the premises.

(K) Any issued permit or license to sell fireworks in a permanent fireworks structure or portable container must be publicly displayed at all times when the fireworks structure is open for business in such a manner that it can be readily visible to the public.

(L) Portable metal storage containers can be used as permanent or temporary fireworks structures.

Consult with the local fire district, in which your structure is located, to ensure your structure is meeting the required codes, of that fire district.

(M) Permanent fireworks structures and portable fireworks containers may be open for business the entire year if they have met the requirement of this chapter.

Section 5. Adoption by Reference. The rules and regulations as may from time to time be amended for the administration of the Pyrotechnic Use Act (425 ILCS 35/0.01 et seq.), including rules issued in 41 Ill. Part 235, by the State Fire Marshal, including, but not limited to, National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays, NFPA 1126 guidelines for proximate audience displays, audience proximity distances for Consumer Display Fireworks, and the list of approved Consumer Fireworks are adopted herein by reference.

Section 6. Violation/Penalties/Revocation. Any person that violates any provision of this Ordinance shall be punished by a fine of not more than \$200.00 for each violation; each

consumer firework in the possession of the person shall constitute a separate violation and each day that any firework is sold or offered for sale without a permit or each day that a violation continues shall constitute a separate violation.

Any violation of this ordinance or the standards set by the State of Illinois laws or the rules and regulations as established by the State Fire Marshal shall also be cause to revoke any permit issued hereunder and that revocation shall be reported to the State Fire Marshal. A local fire district or department may request the County Board Chairman to revoke any permit issued if the required standards set out by Illinois law, rules and regulations of the State Fire Marshal or of this ordinance are not being followed. Operation of any sales after a revocation of the County permit by the County Board shall be a separate violation of this ordinance and may be cause to petition the court to enjoin further sales as a life and safety violation. A permit holder may request an appeal of such revocation by requesting in writing a hearing before the County Board Chairman, and a member of a local fire district or department with training in the use and display of fireworks by the State Fire Marshal's Office who shall be designated by the County Board Chairman. Such appeal shall be held at the County Board Office within two business days of the request.

APPROVED BY Executive and Legislative Committee:

Larry Baughn, Jr. (Y) N A 05/10/21
Chairman

Kevin Green Y N (A)

Steven Fourez Y N (A)

Steve Miller (Y) N A

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Robert Boyd Y N (A)

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Cathy Jenkins (VP)

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Yes - 19

Absent - 8